

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

848 B



FROM: County Counsel/TLMA
Code Enforcement Department

SUBMITTAL DATE:
October 10, 2008

SUBJECT: Order to Abate [Excess Outside Storage]
Case No.: CV 08-02640
Subject Property: 22285 Alameda Del Monte, Wildomar
APN: 382-310-020
District One

RECOMMENDED MOTION: Move that

- (1) The Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02640 be approved;
- (2) The Chairman of the Board of Supervisors be authorized to execute the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02640 and
- (3) The Clerk of the Board of Supervisors be authorized to record the Findings of Fact, Conclusions and Order to Abate in Case No. CV 08-02640

(Continued)

Julie A.K. Jarvi

JULIE A.K. JARVI, Deputy County Counsel
for JOE S. RANK, County Counsel

FINANCIAL DATA	Current F.Y. Total Cost:	\$ N/A	In Current Year Budget:	N/A
	Current F.Y. Net County Cost:	\$ N/A	Budget Adjustment:	N/A
	Annual Net County Cost:	\$ N/A	For Fiscal Year:	N/A

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE

BY *Tina Grande*
Tina Grande

County Executive Office Signature

- Policy
- Policy
- Consent
- Consent

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 10/07/08; 9.4

District: 1

Agenda Number:

2.12

Order to Abate [Excess Outside Storage]

Case No.: CV 08-02640

Subject Property: 22285 Alameda Del Monte, Wildomar

APN: 382-310-020

District One

BACKGROUND:

On October 7, 2008, this Board received the declaration of the Code Enforcement Officer in the above-referenced matter. At the conclusion of the hearing, this Board declared the excess outside storage of materials on the subject property to be a public nuisance. The Board ordered the property owners to abate the violative conditions on the property and directed County Counsel to prepare the Findings of Fact, Conclusions and Order to Abate.

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WHEN RECORDED PLEASE MAIL TO:
Julie A.K. Jarvi, Deputy County Counsel
County of Riverside
OFFICE OF COUNTY COUNSEL
3535 Tenth Street, Suite 300 (Stop #1350)
Riverside, CA 92501

[EXEMPT '6103]

**BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE**

IN RE ABATEMENT OF PUBLIC NUISANCE:)	CASE NO. CV 08-02640
[EXCESSIVE OUTSIDE STORAGE]; APN 382-)	
310-020, 22285 ALAMEDA DEL MONTE,)	FINDINGS OF FACT,
WILDOMAR, RIVERSIDE COUNTY,)	CONCLUSIONS AND ORDER TO
CALIFORNIA; STANLEY B. SMITH AND)	ABATE NUISANCE
VERNA I. SMITH, OWNERS.)	
)	[R.C.O. Nos. 348 and 725
)	R.C.C. Title 17 and 1]

The above-captioned matter came on regularly for hearing on October 7, 2008, before the Board of Supervisors of the County of Riverside, State of California in the Board Room, First Floor Annex, County Administrative Center, 4080 Lemon Street, Riverside, California regarding the real property described as 22285 Alameda Del Monte, Wildomar, APN: 382-310-020 and referred to hereinafter as "THE PROPERTY."

Alexandra Fong, Deputy County Counsel, appeared along with Jim Monroe, Code Enforcement Division Manager, on behalf of the Director of the Code Enforcement Department.

Owner, Stanley B. Smith, appeared and addressed the Board of Supervisors.

The Board of Supervisors received the Declaration of the Code Enforcement Officer, together with attached Exhibits, evidencing the excessive storage of materials on THE PROPERTY as violations of Riverside County Ordinance No. 348 (Riverside County Code Title 17), and as a public nuisance.

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1 **SUMMARY OF EVIDENCE**

2 1. Documents of record in the Riverside County Recorder's Office identify the owner of THE
3 PROPERTY as Stanley B. Smith and Verna I. Smith ("OWNERS").

4 2. Documents of title at the time of the inspection indicated that other parties potentially hold
5 a legal interest in THE PROPERTY, to wit: Riverside County Tax Collector, Cadits, Grant & Karlsen,
6 Orange County District Attorney, Child Support Division, Michael R. Capizzi, District Attorney, Child
7 Support Division, State of California Employment Development Department, Wells Fargo National Bank,
8 Rancho Properties, L.P., Custom Recording Solutions, and Fidelity National Title ("INTERESTED
9 PARTIES").

10 3. THE PROPERTY has been inspected by Code Enforcement Officers on March 19, 2008,
11 April 28, 2008, June 24, 2008, August 7, 2008 and October 6, 2008.

12 4. During each inspection, outside storage of materials in excess of two hundred (200) square
13 feet was observed on THE PROPERTY. The materials included but were not limited to: agricultural
14 equipment, miscellaneous metal items and construction material. The total area of excess outside storage
15 of materials was approximately twenty-six thousand one hundred (26,100) square feet.

16 5. THE PROPERTY was determined to be in violation of Riverside County Ordinance No.
17 348 (Riverside County Code Title 17) by the Code Enforcement Officer.

18 6. A Notice of Noncompliance was recorded on June 16, 2008, as Document Number 2008-
19 0326265 in the Office of the County Recorder, County of Riverside.

20 7. On March 19, 2008, Notice of Violation was posted on the property. On March 28, 2008,
21 a notice was mailed to OWNERS and INTERESTED PARTIES by certified mail, return receipt
22 requested.

23 8. On August 7, 2008, a "Notice to Abate Nuisance" providing notice of the public hearing
24 before the Board of Supervisors on October 7, 2008 was mailed by certified mail, return receipt requested,
25 to THE PROPERTY OWNERS and INTERESTED PARTIES and posted on THE PROPERTY on
26 August 7, 2008.

27 **FINDINGS AND CONCLUSIONS**

28 WHEREFORE, the Board of Supervisors of the County of Riverside, State of California, in

1 regular session assembled on October 7, 2008, finds and concludes that:

2 1. WHEREAS, the excessive outside storage of materials on the real property located at
3 22285 Alameda Del Monte, Wildomar, Riverside County, California, also identified as Assessor's Parcel
4 Number 382-310-020 violates Riverside County Ordinance No. 348 and constitute a public nuisance.

5 2. WHEREAS, THE PROPERTY OWNERS, occupants or any person having possession or
6 control of the premises should abate the condition by removing and disposing of the excess outside
7 storage of materials from the subject real property in strict accordance with all Riverside County
8 Ordinances, including but not limited to Riverside County Ordinance No. 348 within ninety (90) days of
9 the posting or mailing of this order.

10 3. WHEREAS, THE OWNERS AND INTERESTED PARTIES ARE HEREBY FUTHER
11 NOTICED that the time within which judicial review of the administrative determinations made herein
12 must be sought is ninety (90) days from the posting and mailing of the Findings of Fact, Conclusions and
13 Order To Abate Nuisance, and is governed by California Code of Civil Procedure Section 1094.6.

14 **ORDER TO ABATE NUISANCE**

15 IT IS THEREFORE ORDERED that the excess outside storage of materials on THE PROPERTY
16 be abated by THE PROPERTY OWNERS or anyone having possession or control of THE PROPERTY,
17 by removing and disposing of the outside excess storage of materials from the subject real property in
18 strict accordance with all Riverside County Ordinances, including but not limited to Riverside County
19 Ordinance No. 348 within ninety (90) days of the posting or mailing of this order.

20 IT IS FURTHER ORDERED that if the materials are not removed and disposed of in strict
21 accordance with all Riverside County Ordinances, including but not limited to Riverside County
22 Ordinance No. 348, within ninety (90) days of the date of this Order, the excess outside storage of
23 materials shall be abated by representatives of the Riverside County Code Enforcement Department, a
24 contractor or the Sheriff's Department upon receipt of an owner's consent or a Court Order when
25 necessary under applicable law.

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1 It is further ordered that reasonable abatement costs, after notice and opportunity for hearing, shall
2 be imposed as a lien on the property, which may be collected as a special assessment against the property
3 pursuant to Government Code section 25845 and Riverside County Ordinance nos. 348 and 725. Under
4 Riverside County Ordinance 725, "abatement costs" means "any costs or expenses reasonably related to
5 the abatement of conditions which violate County Land Use Ordinances, and shall include, but not be
6 limited to, enforcement, investigation, collection and administrative costs, attorneys fees, and the costs
7 associated with the removal or correction of the violation." Reasonable abatement costs accrued by the
8 Department will be recoverable from the property owner(s) even if the property is brought into
9 compliance within ninety (90) days of the date of this Order to Abate Nuisance.

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11
12 Dated: _____

COUNTY OF RIVERSIDE

13
14 By _____
15 Roy Wilson,
16 Chairman, Board of Supervisors

17 ATTEST:

18 NANCY ROMERO

19 Clerk to the Board

20 FORM APPROVED COUNTY COUNSEL

21 BY Julie A. Koons Jarvi 10/8/08
22 JULIE A. KOONS JARVI DATE

23 By

24 Deputy

25 (SEAL)

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